

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CV-329-F

This matter is before the court on the Memorandum and Recommendation (M & R) of United States Magistrate Judge Robert B. Jones, Jr., filed on July 30, 2009. The Plaintiff, appearing *pro se*, did not file any objections to the Magistrate Judge's M & R.

After an independent and thorough review of the Magistrate Judge's M & R and a *de novo* review of the record, the court concludes that the M & R is correct and in accordance with the law. Accordingly, the court hereby ADOPTS the Magistrate Judge's M & R, and Plaintiff's complaint is DISMISSED as frivolous. The Clerk of Court is DIRECTED to close this case and remove it from the undersigned's docket.

SO ORDERED.

This 24th day of August, 2009.

James C. Fox
JAMES C. FOX
Senior United States District Judge